

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01253-DLF**

DOE v. BENOIT et al
Assigned to: Judge Dabney L. Friedrich
Demand: \$2,850,000
Cause: 05:552 Freedom of Information Act

Date Filed: 04/30/2019
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

J. Q. DOE

represented by **Gerald L. Gilliard**
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TERMINATED: 09/30/2019

V.

Defendant

ANDREA LYNNE BENOIT
in her personal capacity

represented by **Robert Aaron Caplen**
UNITED STATES ATTORNEY'S
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Defendant

JOHN DOE
Nos. 1 – 10, in their personal capacities

Defendant

**DEFENSE CONTRACT
MANAGEMENT AGENCY**
TERMINATED: 09/19/2019

represented by **William Mark Nebeker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT
OF DEFENSE**

represented by **Robert Aaron Caplen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Mark Nebeker
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DAVID H. LEWIS
*Vice Admiral, in his official capacity as
Director of the Defense Contract
Management Agency*
TERMINATED: 09/19/2019

represented by **William Mark Nebeker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

PATRICK SHANAHAN
*in his official Capacity as Acting
Secretary of Defense*
TERMINATED: 09/19/2019

represented by **William Mark Nebeker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MARK T. ESPER
*Secretary of Defense, in his official
capacity as Secretary of Defense*

represented by **Robert Aaron Caplen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Mark Nebeker
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/30/2019	<u>1</u>	COMPLAINT against ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, JOHN DOE, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE (Filing fee \$ 400, receipt number 4616097810) with Jury Demand filed by J. Q. DOE. (Attachment: # <u>1</u> Civil Cover Sheet) (tth); Modified – Sealed at the request of counsel on 5/8/2019 (ztth). (Entered: 05/01/2019)
04/30/2019	<u>2</u>	SEALED MOTION filed by J. Q. DOE. (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order) (ztth) (Entered: 05/01/2019)
04/30/2019	<u>3</u>	SEALED DOCUMENT (Reference List) filed by J. Q. DOE. (This document is SEALED and only available to authorized persons.) (ztth) (Entered: 05/01/2019)
04/30/2019	<u>4</u>	MEMORANDUM AND ORDER granting <u>2</u> Sealed Motion. Signed by Chief Judge Beryl A. Howell on 4/30/2019. (tth) (Entered: 05/01/2019)
04/30/2019	<u>5</u>	SEALED DOCUMENT filed by J. Q. DOE. "FILE UNDER SEAL" by Chief Judge Beryl A. Howell on 4/29/2019. (This document is SEALED and only available to

		authorized persons.) (ztth) (Entered: 05/01/2019)
04/30/2019	<u>6</u>	SEALED DOCUMENT (Complaint) filed by J. Q. DOE. re <u>1</u> Complaint, filed by J. Q. DOE. (This document is SEALED and only available to authorized persons.) (ztth) (Entered: 05/01/2019)
05/01/2019	<u>7</u>	SUMMONS (7) Issued Electronically as to ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent) (ztth) (Entered: 05/01/2019)
05/08/2019	<u>8</u>	MOTION To Seal re <u>1</u> Complaint, by J. Q. DOE (Attachments: # <u>1</u> Text of Proposed Order)(Gilliard, Gerald); Modified event on 5/9/2019 (tth). (Entered: 05/08/2019)
05/08/2019	<u>9</u>	ERRATA by J. Q. DOE <u>1</u> Complaint, filed by J. Q. DOE. (Attachments: # <u>1</u> Exhibit A)(Gilliard, Gerald) (Entered: 05/08/2019)
05/08/2019		MINUTE ORDER granting the plaintiff's <u>8</u> Motion to Seal the Complaint. Accordingly, it is ORDERED that the plaintiff's <u>1</u> Complaint shall be maintained under seal. Signed by Judge Dabney L. Friedrich on May 8, 2019. (lcldf1) (Entered: 05/08/2019)
05/16/2019	<u>10</u>	NOTICE of Appearance by Kelly Brian McClanahan on behalf of J. Q. DOE (McClanahan, Kelly) (Entered: 05/16/2019)
06/11/2019	<u>11</u>	NOTICE of Appearance by William Mark Nebeker on behalf of ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, UNITED STATES DEPARTMENT OF DEFENSE (Nebeker, William) (Entered: 06/11/2019)
06/11/2019	<u>12</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 06/11/2019)
06/12/2019		MINUTE ORDER granting the defendants' unopposed <u>12</u> Request for Extension of Time. Accordingly, it is ORDERED that the defendants shall file their answer or other response to the plaintiff's complaint on or before July 12, 2019. Future requests for extensions of time must include the number of previous extensions requested and will be granted only in extraordinary circumstances. Signed by Judge Dabney L. Friedrich on June 12, 2019. (lcldf1) (Entered: 06/12/2019)
07/11/2019	<u>13</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 07/11/2019)
07/12/2019		MINUTE ORDER granting in part and denying in part the defendants' unopposed <u>13</u> Request for Extension of Time. Accordingly, it is ORDERED that the defendants shall file their answer or other response to the plaintiff's complaint on or before July 26, 2019. Future requests for time must include the number of previous extensions and will be granted only in extraordinary circumstances. Signed by Judge Dabney L. Friedrich on July 12, 2019. (lcldf1) (Entered: 07/12/2019)
07/25/2019	<u>14</u>	STIPULATION of Dismissal (<i>Partial</i>) by J. Q. DOE. (McClanahan, Kelly) (Entered: 07/25/2019)
07/26/2019	<u>15</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 07/26/2019)
08/01/2019		MINUTE ORDER granting in part and denying in part the defendants' <u>15</u> Unopposed Motion for Enlargement of Time. In light of the defendants' motion and the parties' <u>14</u> Stipulation of Dismissal, it is ORDERED that the plaintiff shall file on or before

		August 8, 2019 any amended complaint. It is further ORDERED that the defendants shall file on or before August 29, 2019 an answer either to the amended complaint, or, if the plaintiffs have not filed an amended complaint, to the original complaint. Signed by Judge Dabney L. Friedrich on August 1, 2019. (lcldf1) (Entered: 08/01/2019)
08/01/2019		Set/Reset Deadlines: Amended Complaint due by 8/8/2019. Answer due by 8/29/2019. (zcal) (Entered: 08/02/2019)
08/29/2019	<u>16</u>	MOTION to Dismiss <i>In Part And</i> , MOTION to Strike <u>1</u> Complaint, by DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 08/29/2019)
09/12/2019	<u>17</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION to Dismiss <i>In Part And</i> MOTION to Strike <u>1</u> Complaint, by J. Q. DOE (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 09/12/2019)
09/13/2019		MINUTE ORDER granting the plaintiff's <u>17</u> Unopposed Motion for Enlargement of Time to File Opposition to Defendant's Motion to Dismiss In Part and to Strike. The plaintiff shall file any opposition on or before September 27, 2019; the defendant shall file any reply on or before October 4, 2019. So Ordered by Judge Dabney L. Friedrich on September 13, 2019. (lcldf1) (Entered: 09/13/2019)
09/19/2019	<u>18</u>	AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF DEFENSE filed by J. Q. DOE.(McClanahan, Kelly) (Entered: 09/19/2019)
09/30/2019	<u>19</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to J. Q. DOE. Attorney Kelly Brian McClanahan terminated. (McClanahan, Kelly) (Entered: 09/30/2019)
10/03/2019	<u>20</u>	MOTION for Extension of Time to File Answer re <u>18</u> Amended Complaint by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 10/03/2019)
10/03/2019		MINUTE ORDER granting the defendants' <u>20</u> Motion for Enlargement of Time. The defendants shall answer or otherwise respond to the plaintiff's first amended complaint on or before October 17, 2019. So Ordered by Judge Dabney L. Friedrich on October 3, 2019. (lcldf1) (Entered: 10/03/2019)
10/17/2019	<u>21</u>	Unopposed MOTION for Extension of Time to File Answer re <u>18</u> Amended Complaint by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 10/17/2019)
10/17/2019		MINUTE ORDER. In its Minute Order of August 1, 2019, the Court ordered the plaintiff to file any amended complaint on or before August 8, 2019. On September 19, 2019, the plaintiff filed an untimely amended complaint without first seeking leave to file it. See Fed. R. Civ. P. 15(a)(2) (requiring the opposing party's consent or the Court's leave before a party may amend a pleading). Based on the defendant's <u>21</u> Unopposed Motion for Enlargement of Time, the Court understands that the plaintiff intends to file another amended complaint soon. It is ORDERED that the plaintiff shall seek leave to file any amended complaint on or before October 21, 2019. The Court will deny any other requests to amend the complaint filed after that date. It is FURTHER ORDERED that the defendant's <u>21</u> Unopposed Motion for Enlargement of Time is GRANTED. If the Court grants the plaintiff leave to file an amended complaint, the defendant shall answer, move to dismiss, or otherwise respond to that complaint within 21 days of the Court granting leave to amend. If the Court does not grant leave to amend, then the plaintiff's original complaint, which the defendant has already moved to dismiss, remains the operative complaint. So Ordered by Judge Dabney Friedrich on October 17, 2019. (lcldf1) (Entered: 10/17/2019)
10/21/2019	<u>22</u>	Emergency MOTION for Extension of Time to File <i>Motion to Seek Leave to Amend Complaint</i> by J. Q. DOE (Attachments: # <u>1</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 10/21/2019)
10/21/2019	<u>23</u>	MOTION for Leave to File <i>Amendment to First Amended Complaint</i> by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 10/22/2019)

10/22/2019		MINUTE ORDER. The plaintiff's <u>22</u> Emergency Motion for Extension of Time to file an amended complaint is DENIED as moot in light of the plaintiff's <u>23</u> Motion for Leave to File Plaintiff's Second Amended Complaint. The plaintiff shall file a proposed amended complaint on or before October 25, 2019. So Ordered by Judge Dabney L. Friedrich on October 22, 2019. (lcldf1) (Entered: 10/22/2019)
10/22/2019	<u>24</u>	WITHDRAWN PURSUANT TO NOTICE FILED 10/22/2019.....SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Gilliard, Gerald) Modified on 10/24/2019 (znmw). (Entered: 10/22/2019)
10/22/2019	<u>25</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Sealed Motion to Strike, # <u>4</u> Sealed Memorandum in Support of Motion to Strike, # <u>5</u> Sealed Exhibit A, # <u>6</u> Sealed Exhibit B, # <u>7</u> Sealed Declaration, # <u>8</u> Sealed Declaration of Gerald Gilliard, # <u>9</u> Proposed Order Granting Sealed Motion to Strike)(Gilliard, Gerald) (Entered: 10/22/2019)
10/22/2019	<u>26</u>	NOTICE by J. Q. DOE re <u>25</u> SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) (Gilliard, Gerald) (Entered: 10/22/2019)
10/22/2019	<u>27</u>	NOTICE OF WITHDRAWAL OF MOTION by J. Q. DOE re <u>24</u> SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) (Gilliard, Gerald) (Entered: 10/22/2019)
10/25/2019	<u>28</u>	MOTION for Extension of Time to File <i>Amended Complaint</i> by J. Q. DOE (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 10/25/2019)
10/25/2019	<u>29</u>	PROPOSED SECOND AMENDED COMPLAINT (<i>Amended</i>) against ANDREA LYNNE BENOIT, JOHN DOE, UNITED STATES DEPARTMENT OF DEFENSE, MARK T. ESPER with Jury Demand (Fee Status:Filing Fee Waived) filed by J. Q. DOE. (Attachments: # <u>1</u> Summons)(Gilliard, Gerald) Modified event title on 11/12/2019 (znmw). (Entered: 10/25/2019)
10/31/2019		MINUTE ORDER. The plaintiff has moved for leave to file a second amended complaint. <i>See</i> Dkt. 23. The plaintiff indicates that the defendants oppose the motion. <i>See id.</i> The Court will exercise its discretion to allow the plaintiff to amend the complaint. <i>See</i> Fed. R. Civ. P. 15(a)(2). The Court will not address whether at this stage amendment would be futile because those issues are best presented squarely in any motion to dismiss the amended complaint. It is thus ORDERED that the plaintiff's <u>23</u> Motion for Leave to File Second Amended Complaint is GRANTED. The Clerk of Court is directed to docket the <u>29</u> Proposed Amended Complaint as the plaintiff's Second Amended Complaint. The Court will not grant leave to amend the complaint further absent extraordinary circumstances. It is further ORDERED that the defendants shall answer or otherwise respond to the Second Amended Complaint on or before November 14, 2019. If the defendants file an answer, the parties shall confer in accordance with Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure and the parties shall file, on or before November 21, 2019, a joint meet and confer report as set forth in Local Civil Rule 16.3(d). After receiving the report, the Court will set a scheduling conference unless the Court determines, on the basis of the report, that a conference is unnecessary. <i>See</i> Local Civil Rule 16.4. If the defendants move to dismiss, the plaintiff shall respond on or before November 28, 2019; the defendants shall reply on or before December 5, 2019. Finally, because the Court grants leave to file the Second Amended Complaint, the defendants' <u>16</u> Motion to Dismiss the Complaint In Part and Motion to Strike and the plaintiffs' <u>25</u> Motion for Leave to File Document Under Seal and <u>28</u> Motion for Extension of Time to File Amended Complaint are DENIED without prejudice as moot. So Ordered by Judge Dabney L. Friedrich on October 31, 2019. (lcldf1) (Entered: 10/31/2019)
10/31/2019	<u>30</u>	SECOND AMENDED COMPLAINT against ANDREA LYNNE BENOIT, JOHN DOE, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE with Jury Demand filed by J. Q. DOE. (ztth) Modified event title on 11/12/2019 (znmw).

		(Entered: 11/12/2019)
11/12/2019	<u>31</u>	SUMMONS (1) Issued Electronically as to MARK T. ESPER. (ztth) (Entered: 11/12/2019)
11/14/2019	<u>32</u>	MOTION to Dismiss <i>In Part and</i> , MOTION to Strike <u>30</u> Amended Complaint, <u>29</u> Complaint, by DEFENSE CONTRACT MANAGEMENT AGENCY, MARK T. ESPER, DAVID H. LEWIS, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Declaration Benoit, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Text of Proposed Order)(Nebeker, William) (Entered: 11/14/2019)
11/15/2019	<u>33</u>	SEALED DOCUMENT filed by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE re <u>32</u> MOTION to Dismiss <i>In Part and</i> MOTION to Strike <u>30</u> Amended Complaint, <u>29</u> Complaint, (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Exhibit 1)(Nebeker, William) (Entered: 11/15/2019)
11/15/2019	<u>34</u>	NOTICE <i>Of Filing Under Seal</i> by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE re <u>33</u> Sealed Document, <u>32</u> MOTION to Dismiss <i>In Part and</i> MOTION to Strike <u>30</u> Amended Complaint, <u>29</u> Complaint, (Nebeker, William) (Entered: 11/15/2019)
11/25/2019	<u>35</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>32</u> MOTION to Dismiss <i>In Part and</i> MOTION to Strike <u>30</u> Amended Complaint, <u>29</u> Complaint, by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 11/25/2019)
11/25/2019		MINUTE ORDER granting the plaintiff's <u>35</u> Consent Motion for an Extension of Time. The plaintiff shall respond to the defendants' <u>32</u> Motion to Dismiss <i>In Part and</i> Motion to Strike Amended Complaint on or before December 20, 2019; the defendants shall reply on or before January 10, 2020. So Ordered by Judge Dabney L. Friedrich on November 25, 2019. (lcldf1) (Entered: 11/25/2019)
12/05/2019	<u>36</u>	MOTION for Leave to File <i>Sealed Motion</i> by J. Q. DOE (Attachments: # <u>1</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 12/05/2019)
12/05/2019	<u>37</u>	SEALED MOTION filed by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C)(Gilliard, Gerald) (Entered: 12/05/2019)
12/05/2019		MINUTE ORDER granting the plaintiff's <u>36</u> Motion to Seek Leave to File Motion Under Seal. So Ordered by Judge Dabney L. Friedrich on December 5, 2019. (lcldf1) (Entered: 12/05/2019)
12/05/2019	<u>38</u>	ENTERED IN ERROR.....SEALED DOCUMENT Exhibit A filed by J. Q. DOE. re <u>25</u> SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) filed by J. Q. DOE. (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Exhibit B, # <u>2</u> Exhibit C) (ztth); Modified on 12/6/2019 (ztth). (Entered: 12/06/2019)
12/17/2019	<u>39</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>32</u> MOTION to Dismiss <i>In Part and</i> MOTION to Strike <u>30</u> Amended Complaint, <u>29</u> Complaint, by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 12/17/2019)
12/17/2019		MINUTE ORDER granting the plaintiff's <u>39</u> Consent Motion for Extension of Time. The plaintiff shall respond to the defendants' <u>32</u> Motion to Dismiss <i>In Part and</i> Motion to Strike on or before January 10, 2020. The defendants shall reply on or before February 6, 2020. So Ordered by Judge Dabney L. Friedrich on December 17, 2019. (lcldf1) (Entered: 12/17/2019)
01/02/2020	<u>40</u>	MOTION for Extension of Time to File Response/Reply as to <u>32</u> MOTION to Dismiss <i>In Part and</i> MOTION to Strike <u>30</u> Amended Complaint, <u>29</u> Complaint, by J. Q. DOE (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 01/02/2020)

01/08/2020	<u>41</u>	NOTICE OF DEFENDANT'S CONSENT TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME by J. Q. DOE re <u>40</u> MOTION for Extension of Time to File Response/Reply as to <u>32</u> MOTION to Dismiss <i>In Part</i> and MOTION to Strike <u>30</u> Amended Complaint, <u>29</u> Complaint, (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 01/08/2020)
01/09/2020		MINUTE ORDER granting the plaintiff's <u>40</u> Motion for Extension of Time. Accordingly, the plaintiff shall file a response to the defendants' <u>32</u> Partial Motion to Dismiss and Motion to Strike on or before February 10, 2020, and the defendants shall file a reply on or before March 5, 2020. So Ordered by Judge Dabney L. Friedrich on January 9, 2020. (lcldf3) (Entered: 01/09/2020)
02/10/2020	<u>42</u>	Emergency MOTION for Extension of Time to File Response/Reply as to <u>32</u> MOTION to Dismiss <i>In Part</i> and MOTION to Strike <u>30</u> Amended Complaint, <u>29</u> Complaint, by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 02/10/2020)
02/10/2020		MINUTE ORDER granting the plaintiff's <u>42</u> Consent Motion for an Extension of Time. The plaintiff shall respond to the defendants' motion to dismiss and motion to strike on or before February 12, 2020; the defendants shall reply on or before March 11, 2020. So Ordered by Judge Dabney L. Friedrich on February 10, 2020. (lcldf1) (Entered: 02/10/2020)
02/12/2020	<u>43</u>	Memorandum in opposition to re <u>32</u> MOTION to Dismiss <i>In Part</i> and MOTION to Strike <u>30</u> Amended Complaint, <u>29</u> Complaint, filed by J. Q. DOE. (Gilliard, Gerald) (Entered: 02/12/2020)
02/14/2020	<u>44</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Emerg. Unopposed Motion for Leave to Amend, # <u>3</u> Exhibit A of Emerg. Unopposed Motion for Leave to Amend, # <u>4</u> Amended Memorandum of Opposition to Motion to Dismiss in Part and to Strike, # <u>5</u> "Redline" of Amendments to Memorandum of Opposition to Motion to Dismiss in Part and to Strike, # <u>6</u> Text of Proposed Order Granting Emerg. Unopposed Motion for Leave to Amend)(Gilliard, Gerald) (Entered: 02/14/2020)
02/18/2020		MINUTE ORDER. The plaintiff's <u>44</u> Sealed Motion to Seal is GRANTED. The Clerk of Court shall unseal the plaintiff's <u>44</u> Sealed Motion to Seal but shall keep the motion's attachments under seal. In addition, the plaintiff's [44-2] Emergency Unopposed Sealed Motion for Leave to Nunc Pro Tunc Amend Plaintiff's Memorandum in Opposition is GRANTED. The Clerk of Court shall seal the plaintiff's <u>43</u> Memorandum in Opposition to the Defendant's Motion to Dismiss in Part and Motion to Strike. The Clerk of Court shall also docket separately, under seal, the plaintiff's [44-4] Amended Memorandum in Opposition to the Defendant's Motion to Dismiss in Part and Motion to Strike. So Ordered by Judge Dabney L. Friedrich on February 18, 2020. (lcldf1) (Entered: 02/18/2020)
02/18/2020	<u>46</u>	SEALED OPPOSITION filed by J. Q. DOE re <u>32</u> MOTION to Dismiss <i>In Part</i> and MOTION to Strike <u>30</u> Amended Complaint, <u>29</u> Complaint, . (Filed Nunc Pro Tunc to 02/14/2020, pursuant to Order filed 02/18/2020).(zeg) (Entered: 02/21/2020)
02/21/2020	<u>45</u>	NOTICE by J. Q. DOE (Gilliard, Gerald) (Entered: 02/21/2020)
02/21/2020	<u>47</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Text of Proposed Order Granting Sealed Motion for Leave to File a Sealed Document, # <u>2</u> Sealed Motion to Seal Exhibits to Amended Opposition Memorandum, # <u>3</u> Memorandum in Support of Sealed Motion to Seal Exhibits to Amended Opposition Memorandum, # <u>4</u> Exhibit A of Sealed Motion to Seal Exhibits to Amended Opposition Memorandum, # <u>5</u> Exhibit A of Amended Opposition Memorandum, # <u>6</u> Exhibit B of Amended Opposition Memorandum, # <u>7</u> Exhibit C of Amended Opposition Memorandum, # <u>8</u> Exhibit D-1 of Amended Opposition Memorandum, # <u>9</u> Exhibit D-2 of Amended Opposition Memorandum, # <u>10</u> Exhibit E of Amended Opposition Memorandum, # <u>11</u> Text of Proposed Order Granting Sealed Motion to Seal Exhibits to Amended Opposition Memorandum)(Gilliard, Gerald) (Entered: 02/21/2020)

02/26/2020	<u>48</u>	NOTICE by J. Q. DOE (Gilliard, Gerald) (Entered: 02/26/2020)
03/03/2020		MINUTE ORDER granting the plaintiff's <u>47</u> Sealed Motion for Leave to File Document Under Seal and the plaintiff's Sealed Motion to File Exhibits Under Seal, Dkt. 47-2. The Clerk of Court shall unseal the <u>47</u> Sealed Motion for Leave to File Document Under Seal. So Ordered by Judge Dabney L. Friedrich on March 3, 2020. (lcdlf1) (Entered: 03/03/2020)
03/03/2020	<u>50</u>	SEALED Exhibits filed by J. Q. DOE. re <u>46</u> Sealed Opposition filed by J. Q. DOE. (This document is SEALED and only available to authorized persons.)(zeg) (Entered: 03/12/2020)
03/11/2020	<u>49</u>	REPLY to opposition to motion re <u>32</u> MOTION to Dismiss <i>In Part</i> and MOTION to Strike <u>30</u> Amended Complaint, <u>29</u> Complaint, filed by ANDREA LYNNE BENOIT, MARK T. ESPER, DAVID H. LEWIS, UNITED STATES DEPARTMENT OF DEFENSE. (Nebeker, William) (Entered: 03/11/2020)
03/17/2020	<u>51</u>	MOTION for Sanctions by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 03/17/2020)
03/17/2020	<u>52</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Motion to Seal Exhibits, # <u>2</u> Memorandum in Support, # <u>3</u> Text of Proposed Order, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G, # <u>11</u> Exhibit H, # <u>12</u> Exhibit I)(Gilliard, Gerald) Modified on 3/19/2020 pursuant Minute Order filed 03/18/2020 (zeg). (Entered: 03/17/2020)
03/17/2020	<u>53</u>	ERRATA by J. Q. DOE <u>51</u> MOTION for Sanctions filed by J. Q. DOE. (Gilliard, Gerald) (Entered: 03/17/2020)
03/18/2020		MINUTE ORDER granting the plaintiff's <u>52</u> Sealed Motion for Leave to File Document Under Seal and [52-1] Sealed Motion to File Exhibits Under Seal. The Clerk of Court shall unseal the <u>52</u> Sealed Motion for Leave to File Document Under Seal and the [52-1] Sealed Motion to File Exhibits Under Seal. So Ordered by Judge Dabney L. Friedrich on March 18, 2020. (lcdlf1) (Entered: 03/18/2020)
03/18/2020	<u>55</u>	SEALED DOCUMENT Exhibits filed by J. Q. DOE. re <u>51</u> MOTION for Sanctions filed by J. Q. DOE. (This document is SEALED and only available to authorized persons.)(zeg) (Entered: 03/19/2020)
03/19/2020	<u>54</u>	WITHDRAWN PURSUANT TO NOTICE FILED 03/26/2020.....MOTION for Leave to File <i>Supplemental Memorandum of Opposition to Motion to Dismiss in Part and to Strike <u>32</u> Motion to Dismiss in Part and To Strike</i> by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Supplemental Memorandum of Opposition, # <u>3</u> Text of Proposed Order)(Gilliard, Gerald) (Attachment 2 replaced on 3/19/2020 at the request of the filer.) (ztnr) Modified on 3/30/2020 (eg). (Entered: 03/19/2020)
03/26/2020	<u>56</u>	NOTICE OF WITHDRAWAL OF MOTION by J. Q. DOE re <u>54</u> MOTION for Leave to File <i>Supplemental Memorandum of Opposition to Motion to Dismiss in Part and to Strike <u>32</u> Motion to Dismiss in Part and To Strike</i> (Gilliard, Gerald) (Entered: 03/26/2020)
03/26/2020	<u>57</u>	Second MOTION for Leave to File <i>Supplemental Memorandum in Opposition to <u>32</u> Motion to Dismiss in Part and To Strike</i> by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Supplemental Memorandum in Opposition to <u>32</u> Motion to Dismiss in Part and To Strike, # <u>4</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 03/26/2020)
03/31/2020	<u>58</u>	NOTICE of Appearance by Robert Aaron Caplen on behalf of ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE (Caplen, Robert) (Entered: 03/31/2020)
03/31/2020	<u>59</u>	MOTION for Extension of Time to File Response/Reply as to <u>51</u> MOTION for Sanctions by ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 03/31/2020)

03/31/2020		MINUTE ORDER granting the government's <u>59</u> Motion for Enlargement of Time. The government shall file a response to the plaintiff's <u>51</u> Motion for Sanctions for Witness Tampering on or before April 7, 2020. The plaintiff shall file any reply on or before April 14, 2020. So Ordered by Judge Dabney L. Friedrich on March 31, 2020. (lcldf1) (Entered: 03/31/2020)
04/07/2020	<u>60</u>	ENTERED IN ERROR.....MOTION for Leave to File <i>Opposition To Motion For Sanctions and Exhibits Under Seal Temporarily</i> by ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) Modified on 4/8/2020 (eg). (Entered: 04/07/2020)
04/08/2020		NOTICE OF CORRECTED DOCKET ENTRY: re <u>60</u> MOTION for Leave to File <i>Opposition To Motion For Sanctions and Exhibits Under Seal Temporarily</i> was entered in error and counsel was instructed to refile said pleading with case number. (eg) (Entered: 04/08/2020)
04/08/2020	<u>61</u>	MOTION for Leave to File <i>Under Seal, And Memorandum In Support Thereof</i> by ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, JOHN DOE, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 04/08/2020)
04/08/2020	<u>62</u>	Memorandum in opposition to re <u>61</u> MOTION for Leave to File <i>Under Seal, And Memorandum In Support Thereof (Partial Memorandum in Opposition)</i> filed by J. Q. DOE. (Attachments: # <u>1</u> Exhibit A)(Gilliard, Gerald) Modified link on 4/9/2020 (znmw). (Entered: 04/08/2020)
04/08/2020	<u>63</u>	REPLY to opposition to motion re <u>61</u> MOTION for Leave to File <i>Under Seal, And Memorandum In Support Thereof</i> filed by ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, JOHN DOE, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE. (Nebeker, William) (Entered: 04/08/2020)
04/09/2020	<u>64</u>	MOTION for Extension of Time to File Response/Reply as to <u>57</u> Second MOTION for Leave to File <i>Supplemental Memorandum in Opposition to 32 Motion to Dismiss in Part and To Strike</i> by ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 04/09/2020)
04/13/2020	<u>65</u>	NOTICE OF CONSENT by J. Q. DOE re <u>64</u> MOTION for Extension of Time to File Response/Reply as to <u>57</u> Second MOTION for Leave to File <i>Supplemental Memorandum in Opposition to 32 Motion to Dismiss in Part and To Strike</i> (Gilliard, Gerald) (Entered: 04/13/2020)
04/13/2020		MINUTE ORDER granting, by the consent of the parties, the defendants' <u>64</u> Motion for Enlargement of Time. The defendants shall respond to the plaintiff's <u>57</u> Renewed Motion to Seek Leave Nunc Pro Tunc to File Plaintiff's Supplemental Opposition on or before April 16, 2020. So Ordered by Judge Dabney L. Friedrich on April 13, 2020. (lcldf1) (Entered: 04/13/2020)
04/13/2020		MINUTE ORDER granting the defendants' <u>61</u> Motion for Leave to File Under Seal Temporarily. The defendants may file their opposition to the plaintiffs' Motion for Sanctions for Witness Tampering and accompanying declarations under seal. Those filings shall remain under seal for 15 days. The Court will unseal those filings after 15 days unless the plaintiff files, within the 15-day period, a motion to maintain those filings under seal or to redact portions of the filings. If the plaintiff files such a motion, the filings will remain under seal until the Court resolves the plaintiff's motion. So Ordered by Judge Dabney L. Friedrich on April 13, 2020. (lcldf1) (Entered: 04/13/2020)
04/13/2020	<u>66</u>	ENTERED IN ERROR.....SEALED MOTION filed by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Declaration Benoit (Second), # <u>2</u> Declaration Turner(unredacted), # <u>3</u> Declaration Turner(redacted), # <u>4</u> Text of Proposed Order)(Nebeker, William) Modified on 4/15/2020 (znmw). (Entered: 04/13/2020)
04/13/2020	<u>67</u>	UNSEALED OPPOSITION filed by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE. re <u>51</u> MOTION for Sanctions

		(Attachments: # <u>1</u> Declaration Benoit (Second), # <u>2</u> Declaration Turner (unredacted), # <u>3</u> Declaration Turner (redacted), # <u>4</u> Text of Proposed Order)(Nebeker, William) Modified on 5/1/2020 pursuant to Minute Order filed on 4/30/2020 (zeg). (Entered: 04/13/2020)
04/14/2020	<u>68</u>	NOTICE OF WITHDRAWAL OF MOTION by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE re Order on Motion for Leave to File., <u>66</u> SEALED MOTION filed by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE, <u>67</u> Sealed Opposition, <i>And Notice Of Filing Under Seal</i> (Nebeker, William) (Entered: 04/14/2020)
04/15/2020		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>66</u> SEALED MOTION filed by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE was entered in error and was refiled by counsel as Docket Entry <u>67</u> SEALED OPPOSITION. (znmw) (Entered: 04/15/2020)
04/16/2020	<u>69</u>	Memorandum in opposition to re <u>57</u> Second MOTION for Leave to File <i>Supplemental Memorandum in Opposition to <u>32</u> Motion to Dismiss in Part and To Strike</i> filed by ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Exhibit 1 (CDC Report), # <u>2</u> Exhibit 2 (MSBP decision), # <u>3</u> Text of Proposed Order)(Nebeker, William) (Entered: 04/16/2020)
04/30/2020		MINUTE ORDER. On April 13, 2020, the Court decided that it would unseal the government's <u>67</u> Opposition to the plaintiff's <u>51</u> Motion for Sanctions after 15 days unless the plaintiff had moved to keep it under seal. The plaintiff has not so moved. The Clerk of Court shall therefore unseal Dkt. 67 and its attachments. So Ordered by Judge Dabney L. Friedrich on April 30, 2020. (lclfl1) (Entered: 04/30/2020)
04/30/2020		MINUTE ORDER. The following procedures shall govern all future sealed filings: (1) the Court will not docket a party's sealed filing unless the party first has moved to file under seal; (2) the motion to file under seal must include both an unredacted version and a redacted version of the proposed sealed filing; (3) absent good cause shown, the Court will promptly unseal the motion to file under seal and the redacted version of the proposed filing; (4) once the Court resolves the motion to file under seal, the Court will separately docket the unredacted proposed filing—either under seal or on the public docket, depending on how the Court resolves the motion. So Ordered by Judge Dabney L. Friedrich on April 30, 2020. (lclfl1) (Entered: 04/30/2020)
05/07/2020	<u>70</u>	WITHDRAWN PURSUANT TO NOTICE FILED 5/14/2020.....Unopposed MOTION for Leave to File <i>Out of Time REPLY to <u>67</u> Opposition to <u>51</u> MOTION for Sanctions</i> by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <u>3</u> Text of Proposed Order, # <u>4</u> REPLY to <u>67</u> Opposition to <u>51</u> MOTION for Sanctions, # <u>5</u> Exhibit A of REPLY, # <u>6</u> Exhibit B of REPLY, # <u>7</u> Exhibit C of REPLY)(Gilliard, Gerald) Modified on 5/18/2020 (znmw). (Entered: 05/07/2020)
05/07/2020	<u>71</u>	MOTION to Strike <u>69</u> Memorandum in Opposition, (<i>Motion is Opposed by Defendants</i>) by J. Q. DOE (Attachments: # <u>1</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 05/08/2020)
05/08/2020	<u>72</u>	NOTICE of Intention to File Response by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE re <u>70</u> Unopposed MOTION for Leave to File <i>Out of Time REPLY to <u>67</u> Opposition to <u>51</u> MOTION for Sanctions</i> (Caplen, Robert) (Entered: 05/08/2020)
05/08/2020	<u>73</u>	Memorandum in opposition to re <u>71</u> MOTION to Strike <u>69</u> Memorandum in Opposition, (<i>Motion is Opposed by Defendants</i>) filed by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Caplen, Robert) (Entered: 05/08/2020)
05/08/2020	<u>74</u>	Memorandum in opposition to re <u>70</u> Unopposed MOTION for Leave to File <i>Out of Time REPLY to <u>67</u> Opposition to <u>51</u> MOTION for Sanctions</i> filed by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Text of Proposed Order)(Caplen, Robert) (Entered: 05/08/2020)

05/12/2020	<u>75</u>	REPLY to opposition to motion re <u>71</u> MOTION to Strike <u>69</u> Memorandum in Opposition, (<i>Motion is Opposed by Defendants</i>) filed by J. Q. DOE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Gilliard, Gerald) (Entered: 05/12/2020)
05/12/2020	<u>76</u>	REPLY to opposition to motion re <u>70</u> Unopposed MOTION for Leave to File <i>Out of Time</i> <i>REPLY to 67 Opposition to 51 MOTION for Sanctions</i> filed by J. Q. DOE. (Attachments: # <u>1</u> Exhibit A)(Gilliard, Gerald) (Entered: 05/12/2020)
05/12/2020		MINUTE ORDER. Before the Court are four motions by the plaintiff related to the defendants' pending <u>32</u> Motion to Dismiss in Part and to Strike and to the plaintiff's <u>51</u> Motion for Sanctions. <i>See</i> Dkts. 37, 57, 70, 71. The Court will deny each motion. The plaintiff's <u>37</u> Sealed Motion is DENIED because: (1) docket entry 25 already is sealed, making the plaintiff's first request moot; and (2) the plaintiff does not explain under what authority this Court can compel a third party to block access to this case's public docket. The plaintiff's <u>71</u> Motion to Strike is DENIED because: (1) the plaintiff did not certify compliance with Local Civil Rule 7(m); (2) the filing that the plaintiff seeks to strike is not a pleading subject to Rule 12(f); and (3) the filing does not contain scandalous or prejudicial material. The plaintiff's <u>57</u> Motion to File Supplemental Opposition to the Defendants' Motion to Dismiss and to Strike is DENIED because: (1) the plaintiff not explained why she could not have presented these supplemental arguments in her original opposition; and (2) her opposition is not a pleading subject to amendment under Rule 15. And the plaintiff's <u>70</u> Motion for Leave to File Out of Time is DENIED AS MOOT given the plaintiff's intention to withdraw this motion and renew it in subsequent filing. <i>See</i> Dkt. 76 at 5. If the plaintiff wishes to renew this filing, she is ORDERED to do so by 5 p.m. on May 14, 2020. The Court is not inclined to grant future extension requests filed by either party. So Ordered by Judge Dabney L. Friedrich on May 12, 2020. (lcldf1) (Entered: 05/12/2020)
05/12/2020		Set/Reset Deadlines: If the plaintiff wishes to renew filing, she is ORDERED to do so by 5/14/2020. (zjch) (Entered: 05/13/2020)
05/14/2020	<u>77</u>	NOTICE OF WITHDRAWAL OF MOTION re <u>70</u> by J. Q. DOE (<i>Withdrawal of Motion for Leave (ECF No. 70)</i>) (Gilliard, Gerald) Modified to add link on 5/18/2020 (znmw). (Entered: 05/14/2020)
05/14/2020	<u>78</u>	MOTION For Leave to File Out of Time Plaintiff's Reply to <u>67</u> Defendants' Opposition to <u>51</u> Plaintiff's Motion for Sanctions (<i>Renewed Motion</i>) by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A of Memorandum in Support, # <u>3</u> Exhibit B of Memorandum in Support, # <u>4</u> Exhibit C of Memorandum in Support, # <u>5</u> Exhibit D of Memorandum in Support, # <u>6</u> Exhibit E of Memorandum in Support, # <u>7</u> Text of Proposed Order, # <u>8</u> REPLY, # <u>9</u> Exhibit A of Reply, # <u>10</u> Exhibit B of Reply, # <u>11</u> Exhibit C of Reply)(Gilliard, Gerald) (Entered: 05/14/2020)
05/15/2020	<u>79</u>	ERRATA Regarding <i>REPLY (ECF No. 78-8)</i> by J. Q. DOE <u>78</u> MOTION For Leave to File Out of Time Plaintiff's Reply to <u>67</u> Defendants' Opposition to <u>51</u> Plaintiff's Motion for Sanctions (<i>Renewed Motion</i>) filed by J. Q. DOE. (Attachments: # <u>1</u> Exhibit A (Corrected Reply ECF No. 78-8), # <u>2</u> Exhibit B (Redline))(Gilliard, Gerald) (Entered: 05/15/2020)
05/18/2020		MINUTE ORDER. On or before May 20, 2020, the government shall file a response to the plaintiff's <u>78</u> Motion for Leave to File Out of Time Plaintiff's Reply. So Ordered by Judge Dabney L. Friedrich on May 18, 2020. (lcldf1) (Entered: 05/18/2020)
05/18/2020		Set/Reset Deadlines: Government's Responses due by 5/20/2020 (zjch) (Entered: 05/18/2020)
05/20/2020	<u>80</u>	Memorandum in opposition to re <u>78</u> MOTION For Leave to File Out of Time Plaintiff's Reply to <u>67</u> Defendants' Opposition to <u>51</u> Plaintiff's Motion for Sanctions (<i>Renewed Motion</i>) filed by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Text of Proposed Order)(Caplen, Robert) (Entered: 05/20/2020)
05/20/2020		MINUTE ORDER. Before the Court is the plaintiff's <u>78</u> Renewed Motion for Leave to File Out of Time Plaintiff's Reply to the defendant's <u>67</u> Opposition to the plaintiff's <u>51</u> Motion for Sanctions. The Court will deny the motion. The plaintiff's reply was due on April 20, 2020. If the plaintiff needed more time, she was obligated to seek an extension before that deadline. She failed to do so, and she still has provided no good

		reason for her failure. Her counsel cites the distracting specter of COVID–19, but that justification carries minimal weight given that her counsel has continued to observe other deadlines in this and other cases. And while the pandemic may go some way toward explaining why she needed more time to file her reply, it does little to explain why she could not at least request an extension on time. In addition, this renewed motion was itself untimely. The plaintiff filed it more than five hours after the Court–ordered deadline of 5 p.m. on May 14, 2020. But she does not explain that delay. Finally, the defendant would face additional prejudice were the Court to sanction the plaintiff's pattern of untimeliness. For these reasons and based on the government's remaining arguments, the plaintiff's motion is DENIED. So Ordered by Judge Dabney L. Friedrich on May 20, 2020. (lcldf1) (Entered: 05/20/2020)
05/21/2020		MINUTE ORDER. Before the Court is the plaintiff's <u>51</u> Motion for Sanctions for Witness Tampering. The plaintiff seeks sanctions against defendant Andrea Benoit that include default judgement on all counts. On two independent grounds, the Court will deny the motion. First, the Court does not have the power to sanction Benoit at this stage. The defendants have challenged the Court's personal jurisdiction over Benoit. See Def.'s Mot. to Dismiss, Dkt. 32. But there are only limited circumstances in which the Court can use its equitable powers to sanction a party that contests personal jurisdiction. See, e.g., <i>Ins. Corp. of Ireland, Ltd. v. Compagnie de Bauxites de Guinee</i> , 456 U.S. 694, 702–709 (1982). This circumstance is not one: Benoit has not interfered with the Court's ability to assess the personal jurisdiction question, and the defendants' arguments against personal jurisdiction are strong. See <i>id.</i> Second, the Court declines to impose sanctions regardless of its power to do so. A court must use "restraint and discretion" before exercising its equitable sanction powers. <i>Roadway Express, Inc. v. Piper</i> , 447 U.S. 752, 764 (1980). As the plaintiff concedes, she must establish sanctionable misconduct by clear and convincing evidence. See Pl.'s Mem. at 9, Dkt. 51–1. But she has not met this burden: Her motion relies not on evidence but mostly on incorrect presumptions, unsupported suggestions, and attorney argument. The plaintiff's motion is therefore DENIED. So Ordered by Judge Dabney L. Friedrich on May 21, 2020. (lcldf1) (Entered: 05/21/2020)
05/26/2020	<u>81</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Sealed Motion for Leave to File Motion for Reconsideration (REDACTED), # <u>2</u> Text of Proposed Order (Sealed Motion to File Motion for Reconsideration Under Seal, # <u>3</u> Motion for Reconsideration, # <u>4</u> Memorandum in Support of Motion for Reconsideration (REDACTED), # <u>5</u> Memorandum in Support of Motion for Reconsideration (UNREDACTED), # <u>6</u> Exhibit A (Memorandum in Support of Motion for Reconsideration), # <u>7</u> Second Declaration of Plaintiff (REDACTED), # <u>8</u> Second Declaration of Plaintiff (UNREDACTED), # <u>9</u> (Motion for Reconsideration))(Gilliard, Gerald) (Entered: 05/26/2020)
05/27/2020		MINUTE ORDER. In accordance with the sealing procedures described in the Minute Order of April 30, 2020, the Clerk of Court shall unseal Dkts. 81–1, 81–2, 81–3, 81–4, and 81–7. So Ordered by Judge Dabney L. Friedrich on May 27, 2020. (lcldf1) (Entered: 05/27/2020)
05/27/2020		MINUTE ORDER. On or before June 9, 2020, the government shall separately respond both to the plaintiff's Motion to Seek Leave to File Sealed Motion for Reconsideration, Dkt. 81, and to the plaintiff's Motion for Reconsideration, Dkt. 81–9. In responding to the Motion to Seek Leave to File Sealed Motion for Reconsideration, the government shall state whether Dkts. 81, 81–5, 81–6, 81–8, and 81–9 should remain under seal, and whether Dkts. 81–1, 81–2, 81–3, 81–4, and 81–7 contain appropriate redactions. So Ordered by Judge Dabney L. Friedrich on May 27, 2020. (lcldf1) (Entered: 05/27/2020)
05/28/2020	<u>82</u>	MOTION for Extension of Time to File Response/Reply as to <u>81</u> SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Caplen, Robert) (Entered: 05/28/2020)
05/28/2020	<u>83</u>	Memorandum in opposition to re <u>82</u> MOTION for Extension of Time to File Response/Reply as to <u>81</u> SEALED MOTION FOR LEAVE TO FILE DOCUMENT

		UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) filed by J. Q. DOE. (Attachments: # <u>1</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 05/28/2020)
05/28/2020	<u>84</u>	NOTICE by J. Q. DOE re <u>83</u> Memorandum in Opposition, (Attachments: # <u>1</u> Exhibit A of Plaintiff's <u>83</u> Memorandum of Opposition)(Gilliard, Gerald) (Entered: 05/28/2020)
05/28/2020	<u>85</u>	REPLY to opposition to motion re <u>82</u> MOTION for Extension of Time to File Response/Reply as to <u>81</u> SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) filed by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE. (Caplen, Robert) (Entered: 05/28/2020)
05/28/2020		NOTICE of Hearing: Telephone Conference set for 5/29/2020 at 10:00 AM in Telephonic/VTC before Judge Dabney L. Friedrich. (zjch) (Entered: 05/28/2020)
05/28/2020	<u>86</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Motion for Leave to File Documents Under Seal (Unredacted), # <u>2</u> Declaration (Redacted), # <u>3</u> (Unredacted), # <u>4</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 05/28/2020)
05/28/2020	<u>87</u>	MOTION for Leave to File <i>SURREPLY and Memorandum in Support Thereof</i> by J. Q. DOE (Attachments: # <u>1</u> Surreply)(Gilliard, Gerald) (Entered: 05/28/2020)
05/29/2020		Minute Entry for Telephone Conference held on 5/29/2020 before Judge Dabney L. Friedrich. Parties discussed pending motions and a briefing schedule. Minute Order to follow. Court Reporter Sara Wick. (zjch) (Entered: 05/29/2020)
05/29/2020		MINUTE ORDER. Consistent with the discussion during today's teleconference: The plaintiff's filings at docket numbers 81, 86, and 87 are WITHDRAWN. The government's <u>82</u> Motion for Extension of Time is DENIED AS MOOT. The plaintiff shall file, on or before June 12, 2020, a brief addressing the continued justification for the plaintiff to proceed under a pseudonym; the government shall file a response on or before June 29, 2020; and the plaintiff shall file a reply on or before July 9, 2020. So Ordered by Judge Dabney L. Friedrich on May 29, 2020. (lcldf1) (Entered: 05/29/2020)
06/12/2020	<u>88</u>	MOTION for Extension of Time to File <i>Renewed Motion to Proceed Under a Pseudonym</i> by J. Q. DOE (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 06/12/2020)
06/12/2020	<u>89</u>	RESPONSE re <u>88</u> MOTION for Extension of Time to File <i>Renewed Motion to Proceed Under a Pseudonym</i> filed by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Caplen, Robert) (Entered: 06/12/2020)
06/12/2020		MINUTE ORDER denying the plaintiff's <u>88</u> Motion for Extension of Time to File <i>Renewed Motion</i> for the same reasons discussed during the May 29, 2020 teleconference and for lack of good cause shown. So Ordered by Judge Dabney L. Friedrich on June 12, 2020. (lcldf1) (Entered: 06/12/2020)
06/12/2020	<u>90</u>	MOTION to Proceed Under Pseudonym by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 06/12/2020)
06/15/2020	<u>91</u>	MOTION for Leave to File <i>Exhibits of [90-1] Supporting Memorandum</i> by J. Q. DOE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit A of [90-1] Mem. Supp. Mot. Proceed Pseudonym, # <u>4</u> Exhibit B-1 of [90-1] Mem. Supp. Mot. Proceed Pseudonym, # <u>5</u> Exhibit C of [90-1] Mem. Supp. Mot. Proceed Pseudonym, # <u>6</u> Exhibit C-2 of [90-1] Mem. Supp. Mot. Proceed Pseudonym, # <u>7</u> Exhibit D of [90-1] Mem. Supp. Mot. Proceed Pseudonym, # <u>8</u> Exhibit E of [90-1] Mem. Supp. Mot. Proceed Pseudonym, # <u>9</u> Exhibit F of [90-1] Mem. Supp. Mot. Proceed Pseudonym, # <u>10</u> Exhibit G of [90-1] Mem. Supp. Mot. Proceed Pseudonym, # <u>11</u> Exhibit H of [90-1] Mem. Supp. Mot. Proceed Pseudonym, # <u>12</u> Exhibit I of [90-1] Mem. Supp. Mot. Proceed Pseudonym, # <u>13</u> Exhibit L of

		[90-1] Mem. Supp. Mot. Proceed Pseudonym)(Gilliard, Gerald) (Entered: 06/15/2020)
06/15/2020	<u>92</u>	ERRATA (<i>Mem. Supp., ECF No. 90-1</i>) by J. Q. DOE <u>90</u> MOTION to Proceed Under Pseudonym filed by J. Q. DOE. (Gilliard, Gerald) (Entered: 06/15/2020)
06/15/2020	<u>93</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted), # <u>2</u> Corrected (Errata) [90-1] Mem. Supp. Mot. Proceed Pseudonym (unredacted), # <u>3</u> Corrected (Errata) [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted), # <u>4</u> Errata "Redline" (unredacted), # <u>5</u> Errata "Redline" (redacted), # <u>6</u> Exhibit B of [90-1] Mem. Supp. Mot. Proceed Pseudonym (unredacted), # <u>7</u> Exhibit B of [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted), # <u>8</u> Exhibit C-1 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (unredacted), # <u>9</u> Exhibit C-1 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted), # <u>10</u> Exhibit C-3 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (unredacted), # <u>11</u> Exhibit C-3 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted), # <u>12</u> Exhibit C-4 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (unredacted), # <u>13</u> Exhibit C-4 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted), # <u>14</u> Exhibit C-5 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (unredacted), # <u>15</u> Exhibit C-5 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted), # <u>16</u> Exhibit C-6 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (unredacted), # <u>17</u> Exhibit C-6 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted), # <u>18</u> Exhibit C-7 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (unredacted), # <u>19</u> Exhibit C-7 of [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted), # <u>20</u> Exhibit J of [90-1] Mem. Supp. Mot. Proceed Pseudonym (unredacted), # <u>21</u> Exhibit J of [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted), # <u>22</u> Exhibit K of [90-1] Mem. Supp. Mot. Proceed Pseudonym (unredacted), # <u>23</u> Exhibit K of [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted), # <u>24</u> Text of Proposed Order)(Gilliard, Gerald) (Entered: 06/15/2020)
06/16/2020	<u>94</u>	SEALED MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL filed by J. Q. DOE (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Corrected Exhibit K of [90-1] Mem. Supp. Mot. Proceed Pseudonym (redacted))(Gilliard, Gerald) (Entered: 06/16/2020)
06/22/2020		MINUTE ORDER. By lack of opposition, the plaintiff's <u>93</u> and <u>94</u> Sealed Motions for Leave to File Documents Under Seal are GRANTED. The plaintiff's <u>91</u> Motion for Leave to File Exhibits is DENIED as moot. The Clerk of Court shall SEAL docket numbers 90 and 91 and all attached documents except for documents 90-2 and 91-2. In accordance with the sealing procedues described in the Minute Order of April 30, 2020, the Clerk of Court shall UNSEAL docket numbers 93-1, 93-3, 93-5, 93-7, 93-9, 93-11, 93-13, 93-15, 93-17, 93-19, 93-21, and 93-24. The corrected memorandum and supporting exhibits found at Dkt. 93 shall be the operative documents supporting the plaintiff's <u>90</u> Renewed Motion to Proceed by Pseudonym. So Ordered by Judge Dabney L. Friedrich on June 22, 2020. (lcldlf1) (Entered: 06/22/2020)
06/29/2020	<u>95</u>	ORDER granting in part and denying in part the government's <u>32</u> Motion to Dismiss in Part and Motion to Strike. See text for details. Signed by Judge Dabney L. Friedrich on June 29, 2020. (lcldlf1) (Entered: 06/29/2020)
06/29/2020	<u>96</u>	SEALED MEMORANDUM OPINION regarding the government's <u>32</u> Motion to Dismiss in Part and Motion to Strike. See text for details. Signed by Judge Dabney L. Friedrich on June 29, 2020. (lcldlf1) (Entered: 06/29/2020)
06/29/2020		MINUTE ORDER. The parties shall file a notice of proposed redactions to the <u>96</u> Sealed Memorandum Opinion on or before July 13, 2020. After that date, the Court will unseal the opinion in full or in part. So Ordered by Judge Dabney L. Friedrich on June 29, 2020. (lcldlf1) (Entered: 06/29/2020)
06/29/2020	<u>97</u>	Memorandum in opposition to re <u>90</u> MOTION to Proceed Under Pseudonym filed by ANDREA LYNNE BENOIT, MARK T. ESPER, UNITED STATES DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Text of Proposed Order)(Caplen, Robert) (Entered: 06/29/2020)
06/29/2020		Set/Reset Deadlines: Proposed Schedule and notice of proposed redactions to the <u>96</u> Sealed Memorandum Opinion due by 7/13/2020. (zjch). (Entered: 06/30/2020)

06/30/2020		Set/Reset Deadlines: Transfer due by 7/10/2020. (zjch) (Entered: 06/30/2020)
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